

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Women Development, Child Welfare & Disabled Welfare Department -
Smt. M. Nagalakshamma, Retd. CDPO Kadiri, Ananthapur District- Release of
full pension – Orders - Issued.

Women Development, Child Welfare & Disabled Welfare (Estt.A2) Department

G.O.Rt.No. 279

Dated: 08-09-2009
Read the following:-

1. From the Director General ACB Hyderabad, Lr. No. 37/RE-ATP/94 DT:28-02-1995
2. Vigilance Commr, Ir No169/VC-E1/1994-5, dt:17-05-1995.
3. Govt.Memo.No.539/Estt-A2/94-7, dt.20.06.95
4. Charge memo.No.9644/E3/95, dt.26.08.95 of Dir, WD&CW Dept Hyderabad.
5. Prods.No.9644/E3/95, dt. 03/97 of Dir, WD&CW Dept Hyderabad.
6. From IO Lr.No.225/A/97, dt.28.12.98.
7. Govt.Memo.No.539/Estt-A2/94-32, dt.10.10.2002.
8. From Smt. M. Nagalakshamma, Retd. CDPO reptn dt.28.12.2002.
9. G.O.Rt.No.259, WDCW&DW(Estt) Dept, dt.04.07.03.
10. APAT Judgment dt.28.04.06 in O.A. No.5279/2003.
11. High Court order dt.30.06.08 in W.P. No.24061/2006.
12. Supreme Court order dt.26.08.09.

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ORDER:

On receipt of the report about prima facie case of corrupt practices indulged in by Smt. M. Nagalakshamma, Retd. CDPO Kadiri, Ananthapur District, instructions were issued to the Dir, WD&CW Dept Hyderabad to initiate disciplinary action in the memo 3rd read above. The Dir, WD&CW Dept Hyderabad, in the memo 5th read above has issued charge memo to the DO on the following 7 charges:-

- 1) She used to deduct amounts towards mamools alleged post office recurring deposit installments from the AWWs while disbursing honorarium etc. while disbursing honorarium to (9) AWW and threatened to remove them from their jobs if they fail to pay or report against her and that she did not allow the AWWs to see the actual amounts shown disbursed to them in the register.
- 2) She made short payments while disbursing TA and DA to the (5) AWWs

- 3) She deducted amount from house rents paid to the AWCs and induced them to make the short fall in rent payments from their personal amounts.
- 4) She has paid an amount of Rs.1,750/- towards honorarium TA and DA and the arrears for 4 months to AWWs.
- 5) She has collected amounts from AWWs towards recurring deposits amounts from August 1993 to February, 1994 whereas she has opened accounts in their names during March, 1994 and misappropriated the amount for the interim 7 months.
- 6) Although she was drawing and disbursing officer she failed to maintained the UD pay register and cashbook properly.
- 7) She failed to maintain attendance register which is a basic register to be maintained in the office.

2. Smt. M. Nagalakshamma, Retd. CDPO Kadiri Ananthapur District has submitted her written statement of defence denying all charges and requested for enquiry. In the proceedings 5th read above the PD, DW&CDA, Ananthapur was appointed as IO under rule 20 (2) of APCS (CCA) Rules, 1991. In the ref.6th read above the IO has submitted report stating that there is no corroboration for the above allegations except the interested testimony of some of the complainants and that there is no truth in the allegation of corruption against the AO and that some aggrieved AWWs made false statements which are not true. He has therefore recommended to drop further action in the matter.

3. In the ref.7th read above Govt., have disagreed with the findings of the IO on certain grounds and issued show cause notice to the CO duly enclosing copy of IOs report. Enumerating the disagreement factors on the IOs report, she was requested to submit her explanation if any on the provisional decision taken by the Govt., to impose the penalty of withholding entire pension and gratuity. After considering her explanation and in consultation with the APPSC orders were issued imposing a 50% cut in the admissible pension of Smt. M. Nagalakshamma, Retd. CDPO Kadiri, Ananthapur District, on permanent basis vide G.O. 9th read above.

4. Aggrieved by the above, Smt. M. Nagalakshamma, Retd. CDPO Kadiri, Ananthapur District, filed OA No.5279/03 in the APAT. In the ref.10th read above the APAT has set aside the GO on the ground that *"i) the decision of the disciplinary authority for differing with the findings of the Enquiry Officer is not based on the facts and material available on record and no findings were given by the disciplinary authority on each charge and also that the decision to differ with enquiry findings without notice to the applicant is held to be bad in law ii) delay causes prejudice to the charged officer unless it can be shown that he is*

to be blamed for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. iii) no reasons for inordinate delay was given by the respondents". The Hon'ble APAT on the said grounds directed the respondents to release the pensionary benefits to the applicant forth with.

5. As specific grounds for differing with EO had been given in the GO cited and a notice issued to the applicant before issuing the final orders and delay which is commonly found in every organization for various reasons and which could not be a ground for letting off the guilty, an appeal was filed in the Hon'ble High Court . The Hon'ble High Court in the reference 11th cited dismissed the Writ Petition (WP) while observing that "the charges are petty and the amounts which were allegedly misappropriated were latter adjusted," concluded that when the EO exonerated the respondent, after (4) years the disciplinary authority differed with findings of EO "which decision was not communicated to the respondent".

6. Meanwhile the petitioner has filed a Contempt Application (CA) No.717/2006 in OA NO.5279/2003 for implementation Court Orders

7. On the SLP filed by the Government, the Hon'ble Supreme Court issued orders that "delay condoned. The special leave petition is dismissed".

8. In the above circumstance, Govt., have decided to release full pension to Smt. M. Nagalakshamma, Retd. CDPO Kadiri, Ananthapur District.

9. The Commissioner, Women Development & Child Welfare, Hyderabad is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. CHAYA RATAN,
PRL.SECRETARY TO GOVERNMENT.

To
The Commissioner, Women Development & Child Welfare, Hyderabad.
The individual Commissioner, Women Development & Child Welfare, Hyderabad.
The Accountant General, A.P. Hyderabad
The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, Hyderabad
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER